

Remarks

The Official Office Action of April 27, 2004 is responded to by resubmitting the Amendment filed February 17, 2004 with the additions of the subject matter of claims 9-11 and 14. In effect, applicant is treating the amendment filed February 17, 2004 as if it were not entered. It is accordingly submitted that the requirements of 37 CFR 1.111 and MPEP 714 are met.

The merits of the application are addressed in the Official Office Action of November 18, 2003. The Examiner has rejected claims 1-10 and 16-20 based on Coogan, either under 35 USC 102 or 35 USC 103. The Examiner was reading independent claims 1, 16 and 20 to allow the handles to be juxtaposed end-to-end whereas the claims recite that they are juxtaposed side-to-side. Applicant has accordingly amended independent claims 1, 16 and 20 to prevent this construction.

Independent claims 1, 16 and 20 now recite that the long dimension of the handles are in side-by-side juxtaposed relation when the supports are in side-by-side position. There being no suggestion or motivation to modify Coogan in this respect, it is submitted that these independent claims now define over Coogan. Indeed, any attempt to modify Coogan in this respect will necessarily destroy Coogan's ability to provide elbow supporting

crutches and is thus impermissible. The advantage of this invention should be apparent. By placing the long dimensions of the handles in side-by-side relation, the multiple cane assembly is held and manipulated in the same manner as the single canes, meaning that the user does not have to become acclimated to both modes of operation.

It is accordingly submitted that claims 1, 16 and 20 and their dependent claims 2-11, 13, 14, 16-19, 21 and 22 are allowable over Coogan.

It is submitted that this application is in condition for allowance and early steps toward that end are earnestly solicited.

Respectfully submitted,



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